



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
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San José, California 95113
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City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28832**", the original copy of which is attached hereto, was passed for publication of title on the **19th day of October, 2010**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **2nd day of November, 2010**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **3rd day of December, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **5th day of November, 2010**.

(SEAL)

LEE PRICE, MMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 28832

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE NORTHWEST SIDE OF SARATOGA AVENUE, 900 FEET NORTHEASTERLY OF GRAVES AVENUE, FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CO(PD) PLANNED DEVELOPMENT ZONING DISTRICT.

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, the area encompassed by the subject proposed rezoning was the subject of a Mitigated Negative Declaration (MND) under File No. PDC85-019 prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and found complete by the Planning Commission on May 27, 1985, under File No. PDC85-019, which determination was not been challenged, protested or appealed; and

WHEREAS, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said MND, to wit: the adoption of an ordinance rezoning certain real property hereinafter described to CO(PD) Planned Development Zoning District; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to CO(PD) Planned Development Zoning District; and

WHEREAS, this Council does hereby certify that, as the decision-making body, it has considered and approves the information contained in such MND prior to acting upon or approving such rezoning project.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as CO(PD) Planned Development.

The base district zoning of the subject property shall be CO-Commercial Office. The PD zoning of the subject property shall be that development plan for the subject property entitled, "Planned Development Zoning For 'Pinn Bros. Office Park,' 1471, 1475, 1479 & 1485 Saratoga Avenue, San José, CA, File No. PDC10-011," dated April 20, 2010 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. PDC10-011 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this 19th day of October, 2010 by the following vote:

AYES:	CAMPOS, CHIRCO, CHU, HERRERA, KALRA, LICCARDI, OLIVERIO, PYLE; REED.
NOES:	NONE.
ABSENT:	CONSTANT, NGUYEN.
DISQUALIFIED:	NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

EXHIBIT A**LEGAL DESCRIPTION**

All that certain real property situate entirely in the City of San Jose, County of Santa Clara, State of California, and more particularly described as follows:

All of Lots 1, 2, 3, 4, and 5 as shown on that certain Parcel Map filed for record December 17, 1987 in Book 581 of Maps at Pages 32 and 33, Santa Clara County Records.

BASIS OF BEARINGS

THE BEARING $N 42^{\circ}36'42"E$ OF THE CENTERLINE OF SARATOGA AVE. AS SHOWN UPON THIS CERTAIN MAP OF TRACT NO. 1774, RECORDED IN BOOK 17 OF MAPS AT PAGE 12, AND 23 OF MAPS RECORDED IN SANTA CLARA COUNTY RECORDS AT PAGE 145, WAS TAKEN AS THE BASIS OF ALL BEARINGS SHOWN HEREON.

LEGEND AND NOTES

- INDICATES 34" IRON PIPE FOUND AS NOTED
- INDICATES DISTINCTIVE BORDER
- INDICATES STANDARD CITY MEASUREMENT

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. THE AREA WITHIN THE DISTINCTIVE BORDER = 2.3628 AC.

PARCEL MAP

CONSISTING OF TWO (2) SHEETS

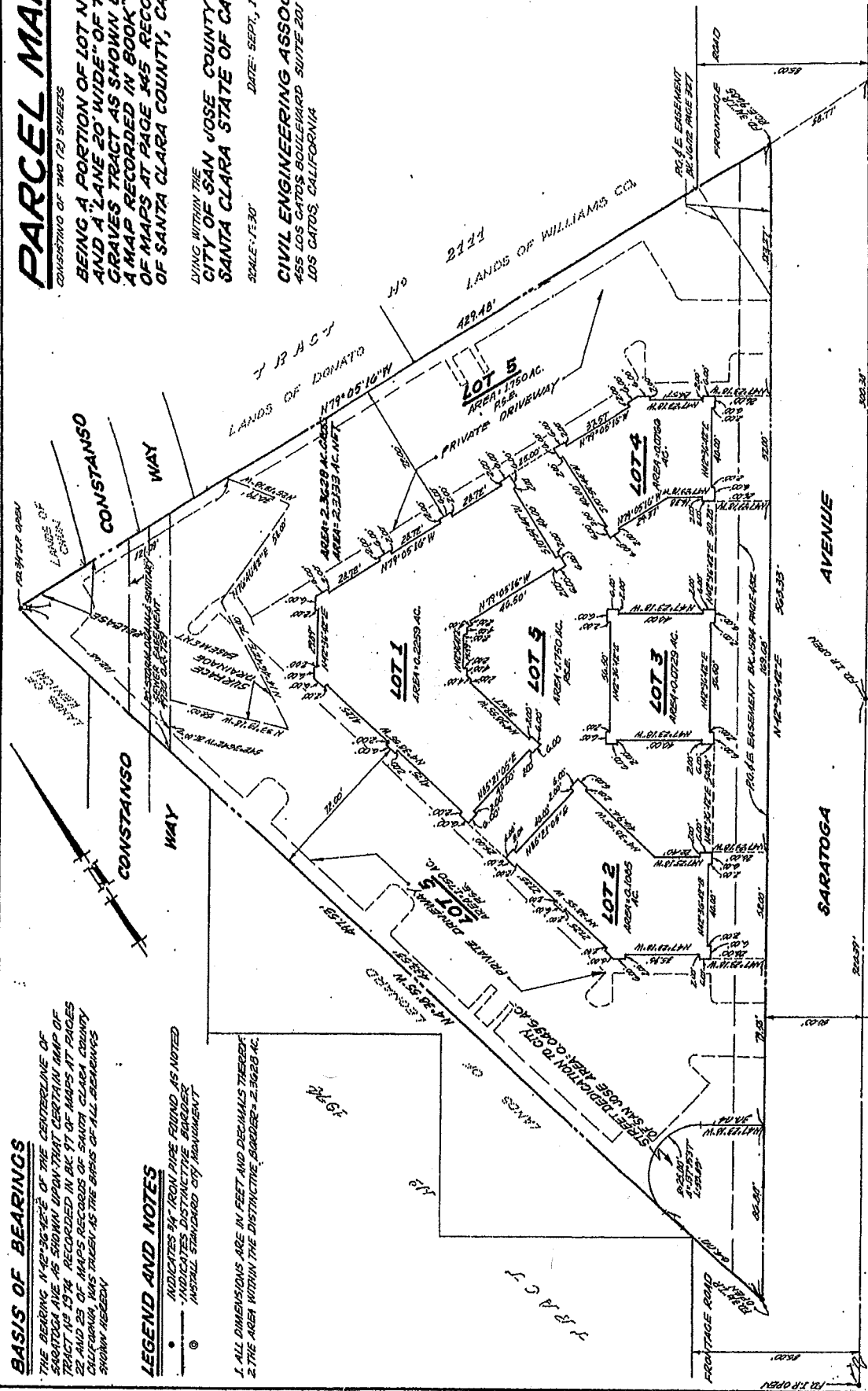
BEING A PORTION OF LOT N21 AND A LANE 20' WIDE OF THE GRAVES TRACT AS SHOWN UPON A MAP RECORDED IN BOOK "D" OF MAPS AT PAGE 145, RECORDS OF SANTA CLARA COUNTY, CALIF.

LIVING WITHIN THE CITY OF SAN JOSE COUNTY OF SANTA CLARA STATE OF CALIF.

DATE: SEPT, 1985

SCALE: 1" = 30'

CIVIL ENGINEERING ASSOC.
455 LOS GATOS BOULEVARD SUITE 201
LOS GATOS, CALIFORNIA



SHEET NO. 2 OF 2 SHEETS

3-6060

RD. 05-0-53 PT. 05-7-85

28832